

THE WHOLE
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Richard Lyddel, Esq;

At His MAJESTY'S Court of

COMMON-PLEAS;

Before the Right Honourable

Lord Chief Justice ETRE,

F O R

Carrying on a Criminal Conversation.
with the late Lady *Abergavenny*.

O N

Monday the 16th of February, 17²⁹₃₀.

L O N D O N :

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Account of the Tryal of *Richard Lyddel, Esq; &c.*

THE Jury being sworn to try the Issue between the Right Honourable the Lord *Abergavenny*, Plaintiff, and *Richard Lyddel, Esq;* Defendant, upon an Action of Trespals; for that he the said *Richard Lyddel*, did carry on a criminal Correspondence with the Plaintiff's Lady, by which Means he did debauch, carnally know, and committed Adultery with her, to the great Loss, Disappointment, and Uneasiness of the Plaintiff.

The Council for the Plaintiff, after having learnedly opened the Circumstances of the Offence, and peculiar Aggravations attending it, with Regard to the Defendant, proceeded to call in the Witnesses, who deposed as followeth.

The First Evidence that was called to prove the Charge against the Defendant was *Elizabeth Hopping*: She depos'd, That she lived in his Lordship's Family for six Years, and about three

Weeks before *Christmas* was Twelve-month, the Family being at *Sheffield* House, his Lordship's Country Seat, took Notice of Mr. *Lyddel*'s frequently kissing her Lady in the Dressing Room, thought the Familiarity was too great betwixt them, and unbefitting, gave Occasion to her to watch their Conversation; that she had seen her Lady's Bed rumpled after it had been made, when none but Mr. *Lyddel* and her Lady had been in the Room : That another Time knowing them to have been in the Dining Room, below Stairs, about nine in the Morning, was willing to see what they were doing, and placing herself in the Withdrawing-Room, she look'd through the Key-hole into the Parlour, and opposite to the Place where she stood, she saw her Lady against the Door that went into the Hall, and Mr. *Lyddel* against her, that she saw her Lady's Petticoats up as high as her Gartering-Place, and that he had unbutton'd his Coat, but could not see his Breeches down, because his Coat behind covered them ; that she saw him do something that a Man ought not to do : Being ask'd, What she thought he was doing; reply'd, she thought he had a criminal Conversation with her Lady, and being surpriz'd, she look'd a second Time, when she then saw them in the same Posture : and that then, as soon as she could get out, she went and acquainted one of her Fellow Servants, which was the Landry

dry Maid, that she had seen her Lady with Mr. *Lyddel* against her, with her Petticoats up, and told her, she thought he was debauching her Lady. Being ask'd whether she thought they were in criminal Conversation both the Times ? She said, she believed they were ; that they were standing against the Door, which kept it shut, for it opened into the Room, and was not fastened. Being ask'd, What was the Ground of her Suspicion ? She reply'd, she saw him often kiss her in her Bed-Chamber, Dining-Room, and Dressing-Room. Being ask'd, How Mr. *Lyddel* was received by his Lordship when he came there ? She replied, His Lordship always received him very joyfully ; that Mr. *Lyddel* came very often, and staid there sometimes a Week together, and that it was frequent he staid there so long, that he lived from his Lordship's House about seven Miles. She being ask'd, Why she did not acquaint her Lord with it ? Reply'd, she thought her Lord would not believe it, but that she told her Fellow-Servant, *Elizabeth Letchmere*, and that she told no other Servant of it. Being ask'd, how it came to pass when she saw so notorious a Fact, that she did not discover it presently to her Lord ? Replied, that no Person dare open such a Thing to his Lordship, that it was discovered by her, but not 'till her Lord had asked her about it. Being asked, Whether there was any Key in the Key-hole of the Lock that she

she peeped through, or any other Covering to it within side? Replied, there was not, neither was there any Thing to hinder her from looking. Being ask'd, Whether the Door she look'd thro' was lock'd? Replied, that she knew nothing of that, but the Key was out, for they had been cleaning the Locks.

The next was *Elizabeth Letchmere*, who depos'd, That her Fellow-Servant came to her, and told her, three Weeks before *Christmas* was Twelve-month, that her Mistress was a Devil; that she ask'd her the Reason, she then told her she looked through the Key-hole and saw her against the Door in the Parlour with her Petticoats up, and Mr. *Lyddel* before her, that this was about nine in the Morning. Being ask'd, Whether she discovered it to any Body? Replied, she told only Mr. *Osbourn* of it.

— *Pinches* deposed, That the Observation she made, was when Mr. *Lyddel* came to her Lady, about a Twelve-month ago; her Lady gave her Orders to go out of the Room when Mr. *Lyddel* came; that the Bed was unmade when he came, and when she went up to make it, she found the Door was lock'd, that when her Lady gave her Notice of it once or twice she kept out of the Way. Being ask'd, Whether it was usual for her to leave the Room when Visitors came to her Lady? She replied, that she never did when she was making the Bed; and that

that Visitors never came into her Lady's Chamber, but into the Dressing Room. Being further ask'd, Whether when her Lord was at home, she never saw my Lord and Mr. *Lyddel* in my Lady's Chamber together? Replied, she never knew them together there:

Mary Hodson deposed, That she lived two Years and two Months with the Lord *Abergavenny* in Town and Country both, and served in the Family as a Landry Maid; that as she hath stood at her Window, which faces her Lady's Dressing Room, she hath seen Mr. *Lyddel* take her Lady by the Pinnars and kissed her, that when he had pull'd her Lady away, the Window-shutters were one quarter or half shut too; that she hath observed this several Times, taking her mostly by the Pinnars, and kissing her; that she saw this very plainly, the Shutters were shut more than once, even several Times. Being ask'd, how long after he hath kissed her Lady, that she hath observed the Window shutters to be put too? Replied, about a quarter of an Hour. Being ask'd, Whether these Observations were made in Town? She reply'd, yes; the Building of the Laundry is a back Building cross the Gravel Court, right against her Lady's Dressing-Room.

William Smith deposed, That he was Porter to my Lord *Abergavenny*, and that he was ordered by his Lady, whenever Mr. *Lyddel* came to admit

admit him, that she would not be at home when Mr. *Lyddel* was there, but when Mr. *Lyddel* was gone his Lady would be at home to any Body that came; that Mr. *Lyddel* was always admitted, and that was his Direction. That when Mr. *Lyddel* hath been at his Lordship's, his Lordship and he have gone out together, and he hath returned again before him, and gone to the Apartment of his Lady. That Mr. *Lyddel* and a Gentleman have dined together with his Lady, went out together, and Mr. *Lyddel* has returned again, and staid with his Lady two Hours; that when he came he used to ask him, whether his Lady was at home; and if the Footman hath been out of the way, he hath waited upon him himself to her Ladyship's Apartment; that he was always admitted; when his Lord was at home he would go to his Lordship's Apartment, and afterwards from his Lordship's to his Lady's. Being asked, Whether he ever knew him deny'd when his Lord was at home? He reply'd, he never did.

Mr. *Matthews* being called, was ask'd by the Plaintiff's Council, what Station he was in under the Plaintiff, answered, That he was his Gentleman; and being desired to give an Account to the Court of his seeing Mr. *Lyddel* and his Lady together in the Room, and what he observed, replied, he had a great many Suspicions of a criminal Correspondence between Mr. *Lyddel* and
his

his Lady ; that he had taken Notice that his Lady would order none to be let in but Mr. *Lyddel* ; that one Evening his Lady said, she would be at home to none but Mr. *Lyddel* ; That he went up and found none but Mr. *Lyddel* there with his Lady, and only two Candles burning, then he went and brought up two others, that there might be Light in the Room, that when he came to go into the Room the Door was fast ; that he heard his Lady run from the Couch to the Fire-side, which is but six Foot, she opened the Door and said, you fling the Door so hard you'll make the Bolt fly ; that when he came in he saw Mr. *Lyddel* upon the Couch, as if he were putting up his Breeches ; that he had since flang'd the Door several Times, and found the Bolts not to fly. That when he went into the Country he had several Pair of Leases to engross for his Lord's Tenants ; that the Apartment he lay in was under Mr. *Lyddel*'s Room, called the *White-Room* ; that one Morning, as he was engrossing of Leases, he heard a Woman coming into that *White-Room* ; that he heard the Voice of a Man, and presently heard the *White-Room* Bed crack. This was the first Morning, *October* the 13th. That he says, he heard a Woman come into the *White Room*, just over his Head ; that he heard the Man, and heard the Bed crack, upon which this Deponent declar'd himself to be in a great Surprise, but was resolv'd to see who came

came out ; that he went half way up the great Stairs, and and saw Mr. *Lyddel* coming out of his Room, who desir'd me to call his Servant to him.

That running as hard as he could, he met one of his Lord's Servants, and desired him to send Mr. *Lyddel's* Man up to his Master, after which he went up the Back-Stairs through the Long Gallery, and saw his Lady come out very red, and in Disorder, and thought she had been in Mr. *Lyddel's* Room. Being asked, whether he afterwards met with her, and in what Room? Reply'd, that the next Morning, the 14th of *October*, he was then writing as before, and about nine o'Clock he heard a Woman come in after the same Manner, and heard the Step of a Man, and the Bed crack, as the Morning before; then he went up the Back-Stairs, and at the End of his Lord's Gallery he took off his Wig, and laid himself down, that no Body might see him; that he heard the Bolt of Mr. *Lyddel's* Door open, then he saw Mr. *Lyddel* come out of his Chamber Door looking about him, and going in, immediately his Lady came out, with her Hands spreading her Petticoats; that there was a Door at the End of the Gallery, from whence he could see all along the Gallery. Being asked, whether from that Place where he was he could hear the Door open? He reply'd, that he heard the Door unbolted, and he saw
Mr.

Mr. *Lyddel* come out of his Room, and presently after he went in, and his Lady came out holding her Petticoats on each Side, but when he saw her he got up with a Book in his Hand, as waiting his Lord's getting up in the Morning, which was his known Practice; that then his Lady went into her own Dressing-room. Being ask'd, whether his Lady came out while Mr. *Lyddel* was at the Door? He reply'd, that he went in first, and then his Lady came out. Being ask'd why she held her Petticoats after such a Manner? Reply'd, because Mr. *Nevell*, that was in a Room hard by, should not hear the rustling of her Silks. The next Day, being *Wednesday*, this Deponent was from Home, and could make no Observation. That on *Thursday* he was in his Room, and heard the same Noise in the *White-room*, after the same Manner as he had done before. In the Afternoon of the same Day, he acquainted Mr. *Osman*, his Lord's Steward, for he said he could not bear to see his Lord injured after such a Manner. He was ask'd, whether Mr. *Lyddel* came out of the Door, and look'd about him this Time, as he had done on the *Tuesday* before? He reply'd, that he did, and that his Lady came out as before, but whether she went into the Nursery or into his Lord's Apartment he was not certain. That on *Friday*, as he was writing again, he prevailed with Mr. *Osman* to be present with him, and when they were together,

ther, he ask'd Mr. *Osman* whether he did not hear some Body come in, He said yes; and in a little Time they heard the Bed crack; that this Deponent said to Mr. *Osman*, in a little Time you'll hear the Bolt of the Door make a Noise, and so it happened, for they being at the Bottom of the great Stairs; Mr. *Osman* told him he heard it very plain, and saw the Lady come out of Mr. *Lyddel's* Room, with her Petticoats held up by her Hand as she used to do, to prevent the Gentleman that lodged by her from hearing her. That *Saturday* Morning was the same Thing; that this Deponent and Mr. *Osman* heard and saw as before. Being asked, what Method he took in order to have it discovered? Replied, that he discoursed with Mr. *Osman*, and they consulted together what Method they should take, that several Mornings they had those Consultations; further, that he acquainted Mr. *Day* with it. It being ask'd, what Conclusion they came to? He reply'd, it was agreed upon that their Lord should know of it some way or other, they propos'd the Discovery should be made by his Lordship's Mother, but she was under a great deal of Concern about it, and desired some Body else might do it; that then they thought no Person so proper as Mr. *Day* to do it, who is a Neighbour and Relation of his Lordship's. Mr. *Day* accepting of the Proposal did communicate it. Being ask'd, when it was communicated to my Lord, what

what Answer did he give of what his Lordship would do? He reply'd, that Mr. *Day* told him, that his Lordship was willing that we should surprize him in the very Act. He gave this Direction to Mr. *Day* and Mr. *Osman*.

The Method that we took was, that Mr. *Day*, Mr. *Osman* and my self were to conceal our selves in a Closet, adjoining to the Room where Mr. *Lyddel* lay, and on the 8th of *November* last, about six in the Morning, we all placed our selves there; that they staid there till about nine, at which Time her Ladyship came into Mr. *Lyddel's* Room, went round it, and was heard to say, *I cannot stay with you now*; upon which Mr. *Day* and Mr. *Osman* thinking her gone were for going away, but this Deponent acquainting them that she was not, prevailed with them to stay, and he listning very close heard a Noise, upon which they all went together into the Chamber, and coming softly to the Bed-side, withdrew the Curtains, upon which Mr. *Lyddel* cry'd out, *O God!* That this Deponent saw her Ladyship in a very indecent Posture, and in a very great Surprize, she said, *Dear Matthews do not ruin me*; upon which he said he was very sorry for what was done, she repeated again, *Do not ruin me*; he told her that he was sent by his Lord's Direction, and that he must be true to his Lord. That Mr. *Lyddel* in his Surprize seem'd not to have heard what was said, and therefore cry'd

cry'd out, *What do you say ?* This Deponent answered him, Sir, *I thought you could not have been guilty of so foul an Act.* And Mr. Osman saying to him, *For you, Sir, to come so frequently, in such a Shew of Friendship, and to wrong his Lordship after such a Manner as you have done, is a Crime for which you can make him no Satisfaction;* that Mr. Lyddel reply'd, *it is very true, I can make no Satisfaction.* Then he said, he would take Horse and ride away, and never return to his Lordship's House any more. Then Mr. Osman said to him, it was his Lordship's Direction that he should be kept there. This Deponent being ask'd, what Room this was in? Reply'd, that it was Mr. Lyddel's Room; that they lay cross the Bed when they opened the Curtains. Being ask'd, how many Days Mr. Lyddel was at his Lordship's at this Time? He reply'd, that he came the 7th of November. Being asked, who he received his Instructions from: He reply'd, from Mr. Day and Mr. Osman, and that his Lordship in his Instructions said to them when he went to Bed, *Be sure when you come into the Room; and if you find my Wife there, I desire she may be used tenderly;* that this was over Night, and they were taken together at nine a Clock the next Day. Being ask'd, what Directions his Lordship gave with respect to Mr. Lyddel? Reply'd, *That in case we took them together in the Manner we found them, that then I should come to*
Town,

Town, and give Orders to Mr. Staples to proceed against him according to Law. Being ask'd, what was to be done with Mr. *Lyddel* in the mean while? Reply'd, *That his Lordship gave Directions to secure him in the House till further Orders.* This Deponent being asked, whether he went to *London* after this? Reply'd, yes, and went to Mr. *Staples*, and made Affidavit of what he saw, upon which there was a Process taken out, which this Deponent deliver'd to the Sheriff's Bailiff, and was executed on *Monday Morning*; that then he supposes he was carry'd away to the County Jail. Being asked, what Orders were given about his Lady's going? He reply'd, that he had no Orders about her, but she went away on the *Saturday* after the Discovery, very big with Child.

Mr. *Osman* depos'd, That Mr. *Matthews* came to him and expressed himself much concerned, with Relation to the Intimacies he had observed betwixt Mr. *Lyddel* and his Lady, and said, that Mr. *Lyddel* had abused his Lord, by lying with his Lady; and gave this Deponent several Instances of it, as of his lighting Mr. *Lyddel* up into his Lady's Apartment, and finding but two Candles he went down for two more, and returning found the Door fast, and knocking at the Door, heard his Lady go from the Couch to the Fire-side, that when his Lady had opened the Door she chid him for knocking so hard,

hard, that he then saw Mr. *Lyddel* with his Hands in the Folds of his Clothes, and believed he was putting up his Breeches: This was the 12th of *October*. On the 13th of *October*, as he was sitting in his Room engrossing of Leases, he heard the Tread of a Man, then the Tread of a Woman, and in a little Time after heard the Bed crack, and being willing to be better satisfy'd, he went out of his Room, and went up the great Stairs, and when he was half way up Mr. *Lyddel* came out of his Chamber, and ordered him to call his Man to him, but meeting with one of his Fellow-Servants delivered the Message to him, afterwards he took to a back Pair of Stairs, and met his Lady just against the Nursery Room, the back Part of the Gallery in very great Disorder, and that he believed she had been in Mr. *Lyddel's* Room. This Deponent further says, that Mr. *Matthews* told him, that (the next Day being *Wednesday* he was out of the way) on *Thursday* Morning Mr. *Lyddel* and his Lady had the same Conversation as before; then Mr. *Matthews* desired this Deponent, that he would be with him the next Morning, being *Friday*, accordingly he went to Mr. *Matthews's* Room in the Morning, and had not been there long but heard a softly Tread coming out of the Green Room into Mr. *Lyddel's* Bed-Chamber, and in a little Time he heard the Bed-crack pretty often; that Mr. *Matthews* carry'd the Deponent

to the Bottom of the great Stairs, where he heard the Door unbolt, and Mr. *Lyddel* step out as he supposed, to see whether all was clear, and after he was gone in, the Lady came out with her Petticoats up, which he supposed was to keep them from rustling, there being a Gentleman lying in a Room on the other Side of the Gallery, at the Top of the great Stairs. This Deponent further said, that he heard the same on *Saturday* Morning as he had done before; that he was very much concerned and surprized at the Observation of these Passages, and to find his Lord abused after so gross a Manner, for he believed, that his Lordship was as tender a Husband, and had as great a Value for his wife as any Person in the world, and that none could be more fond; and though they knew it would be a great Affliction to their Lord, were notwithstanding resolv'd to acquaint him with it, for they could have no Peace in their own Consciences while they kept it as a Secret from him; to which End Mr. *Day* was acquainted with it, he accepted of the Office, and acquainted his Lordship with it on the sixth of *November* last after this Manner; " He desired his Lordship would be
 " pleased to walk in the Fields with him, for he
 " had something to communicate to him, but
 " his Lordship being very pressing to know
 " what it was, Mr. *Day* opened it to him;
 " his Lordship was extremely concerned that his
 " Friend

“ Friend had done such a Thing, and said, *He could not have done so to him.*” Then his Lordship gave Directions to make Discovery, which was after this Manner : we proposed early the next Morning to go into a Closet that joined to the Room where Mr. *Lyddel* lay, which we accordingly did ; that this Deponent being placed against the Closet Door could see the Room, and had such a Command of it that no Body could go in or come out but what he must see ; that a little after eight a-Clock Mr. *Lyddel*’s Man went into the Room, and as he was coming out, his Master being in Bed, says to him, *Are your Rasors ready, for I shall shave my self by and by ?* Then the Man went out of the Room and at nine a-Clock his Lady came along the Gallery to Mr. *Lyddel*’s Door, and entered the Chamber ; that he saw her through the Key-hole, when she came against it she made a Stop, and then went to Mr. *Lyddel*’s Bed-side, and said something to him ; then she returned, which made this Deponent conclude she was gone quite away, likewise Mr. *Day* said she was gone, but Mr. *Matthews* was of another Mind, and went and opened Mr. *Lyddel*’s Door, and went to the Bed and undrew the Curtains of the Bed-side, and said, *So then !* the Lady was lying upon her Back a-cross the Bed, and her Clothes by that Time this Deponent came was down to her Knees, that he saw her Legs ; and that Mr. *Lyd-*

Lyddel had nothing but his Shirt on; that she used several Expressions in great Surprize and said *I shall be ruined*, but we told her we were there by his Lordship's Direction; that Mr. Lyddel raised himself up and said, *What is the Matter? I have heard nothing you have said*. Then this Deponent said, *We come to observe the vile Treatment you have used towards my Lord, and for this you can never give his Lordship Satisfaction*. He said, *It was very true, I'll take my Horse and go away, and never return more*; upon which this Deponent said, *You had as good stay while you are here*. Being desired to give an Account of the Friendship which was between his Lordship and Mr. Lyddel, he said, that the Friendship was very great, that his Lordship always received Mr. Lyddel with a great deal of Pleasure and Satisfaction, that there was as good a Provision made for him by his Lordship, as for any Body that came to his House, that it was his Opinion that his Lordship's Secrets were communicated to him, and that he never knew of greater Friendship and Intimacy than there was betwixt his Lordship and Mr. Lyddel. Being asked, when her Ladyship went away after the Discovery? He reply'd, She went away at three a-Clock the Day of Discovery, by his Lordship's Order to General Tatton her Father.

Mr. James depos'd, That at the Desire of the Lady, he went into Mr. Lyddel's Room on
Saturday

Saturday Morning, on the 8th of November last, after the Discovery was made, that when he came into the Room he found Mr. Lyddel in a great Confusion and Disorder, saying I am a vile Wretch; for God's Sake do not Speak to me: for God's Sake do not Speak to me.

Mr. Day depos'd, That he was his Lordship's Steward, and took Care of his Estates in several Counties, that he observed the Intimacy between his Lord and Mr. Lyddel, and in his Esteem his Lordship was the greatest Friend Mr. Lyddel had in the world, that there was as intire Friendship betwixt them as ever was amongst Men, and that their mutual Respect for each other was very strong, so that this Deponent was surprized when Mr. Matthews let him into some of the Secrets of his Lady and Mr. Lyddel's Intimacy, the first of which was about the Month of *March* last; that he could not conceive that Mr. Lyddel would be guilty of so foul a Crime, when he knew the Intimacy that was between his Lord and him; he could not give Credit to those Reports till the Account they gave him of the Observations they made in the five Mornings, that then this Deponent did believe it, and that they fixed upon him to discover it to his Lordship, which he did upon the *6th* of *November*; that he asked his Lordship, *Whether, considering the great Affection he had for his Lady, he could bear the Discovery of it?* That this Deponent proposed
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the Method of the Discovery which his Lordship approved of, and what he did was by his Lordship's Orders.

The Council for the Defendant acknowledged, that a Verdict ought to be given against the Defendant, but used divers Arguments for Mitigation of the Damages, as that the Damages ought to be proportioned to the Circumstances of the Person offending, that it lies before the Jury, to give more or less, according to Circumstances. That the Defendant's Estate is only an Estate for Life, and under great Incumbrances. Another Argument was offered, that this Action was not laid for an Assault in debauching the Plaintiff's Lady, but for destroying the Health, Satisfaction and Comfort of the Plaintiff, that from the Time the Fact was committed to the Time of her Death, was so short, that the Injury his Lordship sustain'd in his Health could not be very great. Another Argument was the Lady's coming into Mr. Lyddel's Chamber, by which Means she became a Temptation to him, and was a Temptation hard to be resisted; That this Fact between Mr. Lyddel and the Lady might have been well prevented as discovered, if they had thought fit, but that it seem'd as if an Agreement was made to lay a Snare and Temptation to draw him into a Criminal Action. Another Argument is, that his present Affliction is a great Punishment to him, and that even the witnesses
for

for the Plaintiff say, that he thought himself the most miserable wretch living, and if so, then what must his Affliction be now, that he ought to be considered as a very unfortunate and unhappy Person, upon which Account there is no Reason to charge much Damages as to the total Ruin of him who is miserable enough already.

There were several Lords and Gentlemen appear'd to his Reputation, who gave him the Character of a very civil, modest, well-bred Gentleman, and could never have thought he would have been guilty of any Thing of this Nature. There were several Mortgage Deeds produced in Court, upon the Estate of the Defendants, amounting to 11000 l.

The Council for the Plaintiff in their Reply urged, That the Damnge ought not to be calculated from the Time the Fact was committed to his Lady's Death, the Consideration of the Damages ought to regard Futurity; that when once the Ties of mutual Love is broken, it can never be repaired; and if they had not been detected they might have gone on with Impunity. As to the Plea made Use of, that his Estate is not capable of paying large Damages, a Case was mentioned of a Footman for the like Crime, who was fined 5000 l. for it is but reasonable, if a Person destroys the Happiness of another his Happiness ought to be disturbed as long as he lives. There is a standing Law against Adultery, the
Adulterers

Adulterers and Adulterer too is to be put to Death;
There is nothing here can make Satisfaction but
a Pecuniary Punishment.

Upon the whole the Jury withdrew, and af-
ter a short Stay brought in their Verdict for the
Plaintiff, 10,000 l. Damages.

F I N I S.



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Admiral and Abbot is to be put to Death
There is nothing but a make Satisfaction for
a Pecuniary Punishment.

Upon the whole the Jury withdrew, and af-
ter a short Stay brought in their Verdict for the
Plaintiff, to the Damages.

F I N I S

